

# EXHIBIT 1

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

Case No. 20-cv-00983

**PLAINTIFFS' SECOND SET OF  
INTERROGATORIES TO DEFENDANT  
CITY OF SEATTLE AND THE CITY'S  
OBJECTIONS AND FIRST  
SUPPLEMENTAL RESPONSES THERETO**

Defendant City of Seattle ("City") hereby responds to Plaintiffs' Second Set of Interrogatories to Defendant City of Seattle.

**GENERAL OBJECTIONS AND RESERVATIONS**

Defendant makes the following General Objections to Plaintiffs' Second Set of Interrogatories. These general objections are incorporated into the specific objections to each Interrogatory below. The assertion of the same or additional objections to any individual interrogatory does not waive other general objections that are not specifically repeated in the specific objections. The objections set forth below are based on information presently available to

1 Defendant. Defendant reserves the right to supplement or amend these objections based on  
2 information later obtained through investigation, discovery, or otherwise.

3 1. Defendant incorporates by this reference the general objections asserted in response  
4 to Plaintiffs' first and second set of requests for production and their first set of interrogatories, as  
5 well as those general objections set forth in Defendant's response to Plaintiffs' Rule 30(b)(6)  
6 notice.

7 2. Defendant objects to the second set of interrogatories, including the instructions and  
8 definitions set forth therein, because, and to the extent that, they seek to impose on Defendant  
9 obligations different from or greater than those imposed by law.

10 3. Defendant objects to any discovery directed at information or documentation  
11 protected by the attorney-client privilege, the work product doctrine, and/or any other applicable  
12 privilege and/or immunity. To the extent any document protected by the attorney-client privilege,  
13 the work product doctrine, and/or any other applicable privilege is produced inadvertently,  
14 Defendant has not authorized such production, and no waiver of any privilege shall be inferred  
15 from such inadvertent production.

16 4. Defendant responds to the second set of interrogatories as it interprets and  
17 understands each interrogatory set forth therein. If Plaintiffs subsequently assert an interpretation  
18 of any interrogatory or sub-part thereof, Defendant reserves the right to supplement its objection  
19 and/or response.

20 5. Defendant objects to any interrogatory to the extent it requires Defendant to draw a  
21 legal conclusion in order to ascertain its scope.

22 6. Defendant objects to the second set of interrogatories as overly broad, not relevant  
23 to the claims and defenses at issue, and not reasonably calculated to lead to the discovery of  
24  
25

admissible evidence to the extent it refers to a time period before June 8, 2020 or after July 1, 2020.

7. Defendant objects to the Second Set of Interrogatories, and the definitions and instructions that accompany them, to the extent that they mischaracterize or misstate facts, circumstances, events and/or obligations.

8. No incidental or implied admissions are intended by the objections asserted herein. The assertion of any objection to the second set of interrogatories is not intended to be taken as an admission that Defendant accepts or admits the existence of any facts set forth or assumed by any interrogatory.

9. Defendant's failure to object to an interrogatory on a particular ground shall not be construed as a waiver of Defendant's right to object on that ground or any additional ground at any time.

### INTERROGATORIES

**INTERROGATORY NO. 23:** Identify all of the City's personnel, including, without limitation, any IT staff, any third-party computer forensics vendor, and any staff of a third-party computer forensics vendor, who collected, investigated or reviewed data from Electronic Devices belonging to the Individuals. For each person so identified, state the dates that they were involved with the collection, investigation or review of the Individuals' Electronic Devices.

**OBJECTION:** Defendant incorporates by reference each of its general objections as though set forth herein. Defendant further objects to this interrogatory because it seeks information that is protected by the work product doctrine. Defendant further objects to this interrogatory as premature to the extent it seeks information regarding Defendant's litigation consultants who have not been identified as testifying experts pursuant to FRCP 26(b) or who Defendant does not intend to identify as testifying experts. FRCP 26(b)(4)(D). Plaintiffs are not entitled to know the identity of such consultants at this time. Defendant also objects to this

interrogatory because the phrase “collected, investigated or reviewed” is vague and ambiguous as used in this interrogatory. Defendant also objects because the interrogatory seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as premature because Defendant’s efforts to collect, investigate, and review the Individuals’ Electronic Devices is ongoing.

**ANSWER:** Subject to and without waiving any objections, Defendant responds that the following City employees participated in some capacity with respect to the collection, investigation, or review of the Individuals’ Electronic Devices:

1. Regi Alencastro
2. Valarie Anderson
3. Emmanuel Arhu
4. Idris Beauregard
5. Michelle Chen
6. Jenny Durkan
7. Christopher Fisher
8. Eric Greening
9. Braden Heil
10. Brian Kennedy
11. Kenneth Neafcy
12. Deanna Nollette
13. Harold Scoggins
14. Chris Steel
15. Evan Ward

Defendant will supplement this answer as required by Rule 26(e) and further supplementation may be provided in Defendant’s disclosures required by, and pursuant to the schedule provided in, Rule 26(a)(2).

**FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 23:** Subject to and without waiving any objections, the City further answers as follows with respect to each of the Affected Custodians (the “Affected Custodians” include Beauregard, Best, Mayor Durkan, Fisher, Greening, Neafcy, and Chief Scoggins):

**Harold Scoggins:** The City’s counsel obtained an image of Chief Scoggins’ phone from

1 Evan Ward at SFD on or around March 9, 2021. Thereafter, once the image had been processed  
2 by the City's e-discovery vendor, the City's counsel discovered that Scoggins' phone did not have  
3 texts on it pre-dating October 8, 2020. The City's counsel began investigating the reasons why this  
4 was and working to see whether any of those text messages could be recovered. The following  
5 City employees were involved in that process. Counsel met with Chief Scoggins on several  
6 occasions, including to review the iCloud account associated with his iPhone. Additionally, Ward  
7 and Melodi Drake (also from SFD) met with counsel on a handful of occasions and helped to  
8 facilitate the City's investigation into the circumstances around Chief Scoggins' missing texts.

9 **Idris Beauregard:** The City's counsel collected Beauregard's phone from him on or about  
10 March 9, 2021. Once the phone had been imaged by the City's e-discovery vendor, counsel  
11 discovered that Beauregard's phone did not have texts on it pre-dating October 9, 2020. The  
12 City's counsel began investigating the reasons why this was and working to see whether any of  
13 those text messages could be recovered. As part of this effort, the City's counsel has met with  
14 Beauregard on multiple occasions between March 2021 and the present.

15 **Kenneth Neafcy:** The City's counsel obtained an image of Neafcy's phone from him on  
16 or about March 1, 2021. Thereafter, counsel discovered that Neafcy's phone did not have texts on  
17 it pre-dating approximately October 26, 2020. The City's counsel began investigating the reasons  
18 why this was and working to see whether any of those text messages could be recovered. As part  
19 of this effort, the City's counsel has met with Neafcy on multiple occasions between April 2021  
20 and the present.

21 **Assistant Chief Eric Greening:** The City's counsel collected Greening's phone from SPD  
22 in or around late February 2021. Once the phone had been imaged by the City's e-discovery  
23 vendor, counsel discovered that Greening's phone did not have texts on it pre-dating  
24 approximately October 26, 2020. The City's counsel began investigating the reasons why this was  
25 and working to see whether any of those text messages could be recovered. As part of this effort,

1 the City's counsel has met with Greening on multiple occasions between April 2021 and the  
 2 present. The City also worked with SPD IT personnel, Chris Steele and Brian Kennedy, on  
 3 multiple occasions as part of its investigation into the missing text messages of SPD employees.

4 **Chris Fisher:** The City's counsel collected Fisher's phone from SPD in or around late  
 5 February 2021. Once the phone had been imaged by the City's e-discovery vendor, counsel  
 6 discovered that Fisher's phone did not have texts on it pre-dating approximately December 3,  
 7 2020. The City's counsel began investigating the reasons why this was and working to see  
 8 whether any of those text messages could be recovered. As part of this effort, the City's counsel  
 9 has met with Fisher on multiple occasions between April 2021 and the present. The City also  
 10 worked with SPD IT personnel, Chris Steele and Brian Kennedy, on multiple occasions as part of  
 11 its investigation into the missing text messages of SPD employees.

12 **Mayor Durkan:** Michelle Chen, former counsel to the Mayor, discovered on or about  
 13 August 21, 2020, that text messages from before June 25, 2020, were missing from the iPhone 11  
 14 the Mayor was using at that time. From that point until early October 2020, the following City  
 15 personnel worked to try to investigate and recover the Mayor's missing texts:

- 16 • Michelle Chen, former legal counsel to the Mayor
- 17 • Kim Ferreiro and Stacy Irwin, PRA staff in the Mayor's Office
- 18 • Emmanuel Arhu and Regi Alencastro, IT personnel assigned to the Mayor's Office
- 19 • Susy DeMers, the City's liaison with cellular phone providers
- 20 • Braden Heil, a City forensic examiner.

21 The City understands that other employees in the Mayor's Office, including Stephanie  
 22 Formas, Colleen O'Reilly Bernier, and Julie Kline also have been involved in efforts to locate the  
 23 Mayor's missing text messages, including by looking for and ultimately finding, the iPhone 8 Plus  
 24 that the Mayor used until October 2019. The City's counsel has met with several of these  
 25 individuals on multiple occasions from April 2021 through the present as part of its efforts to

investigate and collect the Mayor's missing text messages.

Information about third party litigation consultants who the City hired is outside the scope of discovery and will be provided to the extent required by, and pursuant to, FRCP 26(a)(2) and 26(b)(4).

**INTERROGATORY NO. 24:** Identify from which Electronic Devices the City collected electronically stored information from the Individuals. For each Electronic Device identified, state whether the device is a personal or City-issued device, provide the make and model of the device, the serial number, the date that the data was collected, and the volume of data collected from such Electronic Device.

**OBJECTION:** Defendant incorporates by reference each of its general objections as though set forth herein. Defendant also objects because the interrogatory seeks information that is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as premature because Defendants' efforts to collect, investigate, and review the Individuals' Electronic Devices is ongoing.

**ANSWER:** Subject to and without waiving any objections, Defendant responds:

Name	City-Issued?	Model	Serial No. / Device ID	Est. Date Data Collected	Volume Collected (GB)	Current Location
Shanon Anderson	Yes	iPhone	Unknown	-	-	Third-Party Vendor
Valarie Anderson	Yes	Galaxy S9	Unknown	-	-	Third-Party Vendor
Idris Beauregard	Yes	iPhone 8	F4GXX35AJC6C	• 03/09/2021	Will supplement	Mr. Beauregard
Carmen Best	Yes	iPhone Xs Max	F2LZ5ANGKPHC	• 02/22/2021 – 03/03/2021	Will supplement	Will supplement
Christopher Fisher	Yes	iPhone 7	DX3YDV54HG6W	• 02/22/2021 – 03/03/2021	Will supplement	Will supplement
Mayor Durkan 1	Yes	iPhone 11	DX3DCKXNN72Q	• 03/22/2021	• 1.17	Mayor Durkan
Mayor Durkan 2	Yes	iPhone 11	F4GCQQ6PN72Q	• 11/19/2020	• 0.770	Third-Party Vendor

PLAINTIFFS' SECOND SET OF INTERROGATORIES  
TO THE CITY AND THE CITY'S OBJECTIONS AND FIRST  
SUPPLEMENTAL ANSWERS THERETO - 7  
(Case No. 20-cv-00983)

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				(Backup from: 8/21/2020) • 10/15/2020 • 11/19/2020 • 7/8/2021	• 1.543 • 1.040 • 17.522	
Mayor Durkan 3	Yes	iPhone 8 Plus	F17WDNB4JCLM	• 11/19/2020 (Backup from: 8/29/2019) • 7/2/2021 • 7/7/2021	• 0.714  • 0.774 • 15.778	Third-Party Vendor
Mayor Durkan 4	Yes	iPhone 8 Plus	FD1XR5Y8JCM2	• 9/18/2020 • 11/19/2020 • 7/7/2021	• 0.004 • 0.114 • 8.714	Third-Party Vendor
Eric Greening	Yes	Galaxy S8	RF89K311SJFV	• 02/22/2021 – 03/03/2021	Will supplement	Will Supplement
Kenneth Neafcy	Yes	iPhone 6s	FFMT5UB9HFLR	• 03/01/2021	• 0.858	Mr. Neafcy
Deanna Nollette 1	Yes	iPhone XR	DX6CJ59FKXKN	• 07/02/2021 (With backups from: ○ 2020/11/23 ○ 2020/11/30 ○ 2021/03/04)	• 6.36	Third-Party Vendor
Deanna Nollette 2	Yes	iPhone XR	DX6CJ59FKXKN	• 07/02/2021 (With backups from: ○ 2020/11/23 ○ 2020/11/30 ○ 2021/03/04)	• 1.81	Ms. Nollette
Harold Scoggins	Yes	iPhone 11	F4GF4QAQN72Q	• 03/10/2021	• 1.49	Mr. Scoggins

Pursuant to Rule 33(d), Defendant also directs Plaintiffs to Defendant's response to Request for Production 34, which requested the production of copies of the digital forensic images that were collected from the Individuals' phones, upon execution by the parties of a Digital Examination Agreement.

**INTERROGATORY NO. 25:** For each Electronic Device identified in Interrogatory No. 24, state (1) whether the Electronic Device was regularly backed up to a (a) cloud-based server or (b) a computer during the time period of June 1, 2020 – July 8, 2020; and (2) and the current

1 location of the (a) device and (b) the forensic image of such Electronic Device.

2 **OBJECTION:** Defendant incorporates by reference each of its general objections as  
 3 though set forth herein. Defendant objects to the phrases “regularly backed up” and “cloud-based  
 4 server” as vague and ambiguous. Defendant also objects because the location for any specific  
 5 device is duplicative and not reasonably calculated to lead to the discovery of admissible evidence  
 6 where a forensic image of such Electronic Device has been preserved.

7 **ANSWER:** Subject to and without waiving any objections, Defendant answers that this  
 8 interrogatory is premature because its investigation is ongoing. Defendant further answers that to  
 9 the best of its present knowledge and belief, none of the electronic devices identified in  
 10 Defendant’s answer to Interrogatory No. 24, above, were regularly backed up to a computer during  
 11 the specified time period.

12 Pursuant to Rule 33(d), Defendant also directs Plaintiffs to Defendant’s response to  
 13 Request for Production 34, which requested the production of copies of the digital forensic images  
 14 that were collected from the Individuals’ phones, upon execution by the parties of a Digital  
 15 Examination Agreement.

16 Defendant’s investigation is ongoing and Defendant specifically reserves the right to  
 17 supplement its answer to this interrogatory as its investigation proceeds, in compliance with Rule  
 18 26(e).

19 **FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 25:** Subject to  
 20 and without waiving any objections, the City further responds that during the relevant time period  
 21 the City’s general policy was that text messages that were required to be maintained by applicable  
 22 retention schedules or litigation holds be preserved in place. To the best of its understanding, the  
 23 messages on the phones of Beauregard, Best, Durkan, Fisher, Greening, Neafcy, and Scoggins  
 24 were not “regularly” backed up to iCloud (for messages on iPhones) or any other cloud-based  
 25 server. In line with the City’s general “preserve in place” practice, the messages on these

1 individuals' phones also were not "regularly" backed up to computers. The possible exception to  
2 this, depending on how the term "regularly" is defined, is that phones, including the Mayor's,  
3 periodically would be backed up to computers when it became necessary to obtain messages from  
4 them in order to respond to pending PRA or litigation requests. Two such back-ups occurred of  
5 the Mayor's phones, one on August 29, 2019 and one on August 21, 2020.

6 The locations of the various phones are set forth in response to Interrogatory No. 24, above,  
7 and are incorporated herein. The images of the relevant phones are also under the City's control.  
8

9 **INTERROGATORY NO. 26:** Identify whether or not any of the Individuals also used  
10 their personal Electronic Devices for communications regarding CHOP and/or the CHOP zone.

11 **OBJECTION:** Defendant incorporates by reference each of its general objections as  
12 though set forth herein. Defendant objects to the term "communications" as used in this  
13 interrogatory because it is vague and ambiguous as to the method, character, and content of the  
14 communications sought. Defendant further objects because this interrogatory is overly broad and  
15 unduly burdensome to the extent it seeks information regarding the personal communications of  
16 City employees that are outside the scope of the City employees' employment. Defendant further  
17 objects to this interrogatory to the extent it seeks information that is not reasonably calculated to  
18 lead to the discovery of admissible evidence.

19 **ANSWER:** Subject to and without waiving any objections, Defendant states that to the  
20 best of its current information and belief, none of the Individuals regularly or routinely used their  
21 personal Electronic Devices to send or receive written communications relating to the conduct of  
22 the City of Seattle or the performance of any function by the City of Seattle regarding CHOP  
23 and/or the CHOP zone. The City also understands that Plaintiffs have served third-party  
24 subpoenas on certain current and former City employees seeking production of certain categories  
25 of documents and defers to those third-parties' responses to the subpoenas.

Defendant's investigation is ongoing and Defendant specifically reserves the right to supplement its answer to this interrogatory as its investigation proceeds, in compliance with Rule 26(e).

**INTERROGATORY NO. 27:** Identify the date when counsel for the City first became aware that any text messages were not available on any of the Individuals' phones.

**OBJECTION:** Defendant incorporates by reference each of its general objections as though set forth herein. Defendant objects to this interrogatory because it seeks information protected by the attorney client privilege and/or work product doctrine. Defendant also objects that several aspects of this interrogatory are vague and ambiguous, that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence, and because it seeks discovery on discovery.

**ANSWER:** Subject to and without waiving any objections, Defendant states that the answer to this interrogatory is protected by the attorney-client privilege and/or work product doctrine.

**FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 27:** Subject to and without waiving any objections, the City responds as follows:

- Idris Beauregard (March 2021)
- Carmen Best (March 2021)
- Mayor Durkan (October 2020)<sup>1</sup>
- Chris Fisher (March 2021)
- Eric Greening (March 2021)
- Kenneth Neafcy (March 2021)
- Chief Scoggins (Late February 2021)

**INTERROGATORY NO. 28:** Identify all of the locations and Electronic Devices that the

<sup>1</sup> Michelle Chen was technically employed by the City Attorneys' Office but assigned to the Mayor's Office. The City does not characterize her as "counsel for the City" for purposes of answering this interrogatory.

1 City searched in an attempt to recover the lost text messages and data of Mayor Jenny Durkan,  
 2 former Police Chief Carmen Best, Fire Chief Harold Scoggins and Idris Beauregard, state the dates  
 3 upon which the searches were conducted and by whom.

4 **OBJECTION:** Defendant incorporates by reference each of its general objections as  
 5 though set forth herein. Defendant objects that this interrogatory is vague and ambiguous in  
 6 several respects, including but not limited to its use of the term “locations” and “lost text messages  
 7 and data.” Defendant also objects to this interrogatory to the extent it seeks information that is  
 8 protected from disclosure at this point by Rule 26(b)(4)(D), by the attorney-client privilege and/or  
 9 work product doctrine, and because it seeks discovery on discovery.

10 **ANSWER:** Subject to and without waiving any objections, Defendant states that its  
 11 investigation is ongoing, but that the following efforts have been made to date by the City:

12 **Mayor Durkan:**

13 The City searched each of the iPhones identified in Defendant’s answer to Interrogatory  
 14 No. 24, above, the iCloud account associated with the Mayor’s City-issued phones, and the  
 15 desktop of the Mayor’s General Counsel as part of its collection of text messages in this action.  
 16 These searches occurred on multiple occasions and were conducted by members of the Mayor’s  
 17 Office or others acting under the direction of legal counsel. The City also has obtained copies of  
 18 text messages to which the Mayor was a party from other participants in those text message  
 19 conversations and produced several thousand such messages on or about July 1, 2021. The City  
 20 also is in the process of collecting additional text messages from other text conversation  
 21 participants that will further supplement the collection of the Mayor’s text messages.

22 **Former Police Chief Best:**

23 The City’s investigation into the circumstances surrounding Chief Best’s text messages is  
 24 ongoing. The City searched the iPhone identified in its answer to Interrogatory No. 24, above, for  
 25 responsive text messages. Defendant also has obtained copies of text messages to which Chief

Best was a party from other participants in those text message conversations and is in the process of collecting additional text messages from other text conversation participants that will further supplement the collection of Chief Best's text messages.

**Fire Chief Scoggins:**

The City searched the iPhone identified in its answer to Interrogatory No. 24, above, as well as the iCloud account associated with Chief Scoggins' City-issued phone. The City also searched his desktop computer. Defendant also has obtained copies of text messages to which Chief Scoggins was a party and is in the process of collecting additional text messages from other text conversation participants that will further supplement the collection of Chief Scoggins' text messages.

**Idris Beauregard:**

The City searched the iPhone identified in its answer to Interrogatory No. 24, above, as well as the iCloud account associated with his City-issued phone and the Messages application on his City-issued iPad Pro 10.5". Defendant also has obtained copies of text messages to which Beauregard was a party and is in the process of collecting additional text messages from other text conversation participants that will further supplement the collection of Beauregard's text messages.

Defendant's investigation is ongoing. Defendant specifically reserves the right to supplement its answer to this interrogatory as its investigation proceeds, in compliance with Rule 26(e).

**FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 28:** Subject to and without waiving any objections, the City further responds as follows:

**Mayor Durkan:** Between August 21, 2020 and early October 2020, employees in the Mayor's Office, including the Mayor, Chen, Ferrerio, Irwin, Arhu, and Alencastro searched the following devices and/or locations for missing texts: (a) the Mayor's work computer, (b) the Mayor's "cracked screen" iPhone 8 Plus, (c) Chen's work computer, and (d) the iPhone 11 the

1 Mayor started using on July 9, 2020. One or more of these individuals also viewed the Mayor's  
2 iCloud account to see whether messages existed there. No messages or images of the Mayor's  
3 phone were found on her work computer. Messages pre-dating August 29, 2019 were located in an  
4 August 29, 2019 back-up on Chen's work computer. Messages dated June 25, 2020 forward were  
5 located on the Mayor's iPhone 11 and in an August 21, 2020 backup on Chen's computer. No  
6 messages were found on the "cracked screen" iPhone 8 Plus, which had previously been factory  
7 reset.

8 On September 18, 2020, Braden Heil, a City forensic examiner, analyzed the "cracked  
9 screen" iPhone 8 to determine whether any messages could be recovered from it. He was not able  
10 to locate any messages on it, as it had previously been factory reset.

11 In early July 2021, Colleen O'Reilly Bernier from the Mayor's Office located the iPhone 8  
12 Plus the Mayor had used up until approximately October 30, 2019 in a drawer at the Mayor's  
13 Office. The City was able to obtain text messages from August 2019 through October 30, 2019  
14 from that phone.

15 **Chief Scoggins:** The City learned that messages were missing from Chief Scoggins'  
16 phone in late February 2021. Thereafter, Scoggins, Ward, and Drake searched Scoggins' phone,  
17 Scoggins' desktop, and the iCloud account associated with Scoggins' city-issued phone for the  
18 missing texts. They were not able to locate any of the missing texts.

19 **Beauregard:** The searches described above in the City's original answer were conducted  
20 on various dates by Beauregard and counsel at various points between April and mid-July 2021.  
21 The missing text messages could not be located or recovered from the devices and locations  
22 searched.

23 **Best:** The searches described above in the City's original answer were conducted by  
24 counsel and the City's litigation consultants after counsel learned of the missing text messages in  
25 March 2021. The missing text messages could not be located on or recovered from the device.

1 The City's investigation of Best's text messages is ongoing, and the City reserves the right to  
2 supplement this answer pursuant to FRCP 26(e) should it become necessary and appropriate to do  
3 so.

4  
5 **INTERROGATORY NO. 29:** Identify the process and procedure the City is using to  
6 recreate or recover the text messages of the Individuals.

7 **OBJECTION:** Defendant incorporates by reference each of its general objections as  
8 though set forth herein. Defendant objects that this interrogatory seeks information that is  
9 protected by the work product doctrine. Defendant objects that this interrogatory is vague and  
10 ambiguous, including but not limited to the phrase "the text messages."

11 **ANSWER:** Subject to and without waiving any objections, Defendant states that its  
12 investigation and efforts to recover or reconstruct the Individuals' texts from periods where they  
13 are not available on the Individuals' phones is ongoing, and that as a result this interrogatory is  
14 premature. Subject to this reservation, Defendant answers that it has been using information from  
15 the Individuals and their electronic devices, available phone and text message records, and other  
16 available information to attempt to identify City employees with whom the Individuals exchanged  
17 text messages during the time period for which we do not have available text messages for the  
18 particular Individual. The City is then attempting to obtain those texts that are available from these  
19 additional individuals and will combine them in a manner that represents partial or complete  
20 reproduction of each Individual's text messages from the gap periods.

21 Separately, for Deanna Nollette, the City believes that it has recovered the text messages  
22 that previously were not obtainable and is in the process of reviewing those texts for production.

23 The City also notes that it is still trying to gain access to the devices of Shanon Anderson  
24 and Valarie Anderson. Both phones are password protected and to date the City has not been able  
25

1 to access them. To the extent that those phones can ultimately be accessed, any text messages on  
2 them will be reviewed for production.

3 Defendant's investigation and effort is ongoing and Defendant specifically reserves the  
4 right to supplement its answer to this interrogatory as its investigation proceeds, in compliance  
5 with Rule 26(e).

6 **FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 29:** Subject to  
7 and without waiving any objections, the City further answers this interrogatory as follows.

8 The City has collected text messages from approximately 30 custodians in this case. The  
9 text messages produced from those custodians include hundreds of texts with the Affected  
10 Custodians during the gap periods for which they do not have texts available on their phones. In  
11 this way, the City has produced a significant number of messages involving the Affected  
12 Custodians that otherwise could be missing.

13 Additionally, the City is using available information for the Affected Custodians and  
14 creating a list of non-custodian City employees with whom the Affected Custodians may have  
15 texted. We have thus far prioritized the reconstruction of the text messages for Mayor Durkan,  
16 Chief Scoggins, and Chief Best, recognizing Plaintiffs' focus on those custodians. The City used  
17 cellular and text message records in its possession, artifacts (*e.g.* "chat tables") from the imaged  
18 phones (where available), and "contacts" in these custodians' phones to develop a list of additional  
19 employees from whom the City could request text messages that might involve the Affected  
20 Custodians. To date, this process has identified approximately 150 additional non-custodian  
21 employees.

22 The City then asked these employees whether they had text messages with any of the  
23 Affected Custodians for the gap periods. If an employee answered in the affirmative, the City  
24 collected that employee's phone and imaged it. To date, approximately 47 additional employees  
25 have responded indicating they have potentially responsive text messages during the gap period on

1 their phones and have had, or will have, their phones imaged. If, and to the extent that, the City  
 2 becomes aware of other non-custodian employees who have messages with the Affected  
 3 Custodians on their phones, the City will also image those employees' phones.

4 At the same time, the City's counsel in *Estate of Taylor, et al. v. City of Seattle, et al.*, No.  
 5 20-2-14351-1 SEA (King Cty. Super. Ct.) has collected texts from approximately 80 employees.  
 6 These texts are being combined with those from the 47 non-custodian employees identified in this  
 7 case.

8 As the City collects these employee texts with any of the Affected Custodians, it plans to  
 9 organize them by Affected Custodian, and produce them to Plaintiffs in one or more formats that  
 10 reflect, the greatest extent possible, a "reconstruction" of each Affected Custodian's messages for  
 11 that custodian's gap period, and that identifies the source of each individual text message (*i.e.* the  
 12 employee from whose phone the messages were actually obtained).

13 The City produced one such partial reconstruction, for Mayor Durkan, on or about July 1,  
 14 2021. The City will continue to produce reconstructions for Mayor Durkan and other Affected  
 15 Custodians as they are prepared.

16  
 17 **INTERROGATORY NO. 30:** Identify the third-party adjuster(s) and / or any internal  
 18 personnel that the City (the Department of Finance and Administrative Services) used to evaluate  
 19 claims by citizens and business relating to property damage caused by CHOP.

20 **OBJECTION:** Defendant incorporates by reference each of its general objections as  
 21 though set forth herein. Defendant objects to this interrogatory because it is not reasonably  
 22 calculated to lead to the discovery of admissible evidence. Defendant objects that any substantive  
 23 information regarding the work performed by said third-party adjuster or internal personnel is  
 24 protected by the attorney-client privilege and/or work product doctrine.

1       **ANSWER:** Subject to and without waiving any objections, the City identifies Abbie  
 2 Poynter, Arthur E. Campbell-Husted Co., as the adjuster for evaluating property damage claims  
 3 relating to protest activity within the City's boundaries.

4  
 5       **INTERROGATORY NO. 31:** State whether the City has determined that any data has  
 6 been deleted from Mayor Jenny Durkan, former Police Chief Carmen Best, Fire Chief Harold  
 7 Scoggins and Idris Beauregard's Electronic Devices since June 25, 2020, and the factual bases for  
 8 those conclusions, if any.

9       **OBJECTION:** Defendant incorporates by reference each of its general objections as  
 10 though set forth herein. Defendant objects that this interrogatory is vague, ambiguous, and overly  
 11 broad, including but not limited to with respect to the terms "data," "determined," and "deleted."  
 12 Defendant further objects to this interrogatory as premature to the extent it seeks information  
 13 regarding Defendant's litigation consultants who have not been identified as testifying experts  
 14 pursuant to FRCP 26(b) or who Defendant does not intend to identify as testifying experts. FRCP  
 15 26(b)(4)(D). Plaintiffs are not entitled to know the identity of such consultants at this time.

16       **ANSWER:** Subject to and without waiving any objections, Defendant answers that its  
 17 investigation is ongoing and that it would be premature for the City to have determined what data,  
 18 if any, data has been "deleted" from the Individuals' Electronic Devices.

19       Pursuant to Rule 33(d), Defendant also directs Plaintiffs to Defendant's response to  
 20 Request for Production 34, which requested the production of copies of the digital forensic images  
 21 that were collected from the Individuals' phones, upon execution by the parties of a Digital  
 22 Examination Agreement.

23       Defendant's investigation is ongoing and Defendant specifically reserves the right to  
 24 supplement its answer to this interrogatory as its investigation proceeds, in compliance with Rule  
 25 26(e).

**FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 31:** Subject to and without waiving any objections, the City further answers that it has determined that text messages from each of the Affected Custodian's gap periods are no longer available. Based on information presently available to it, the City believes the facts and circumstances pertinent to each of the Individual's missing text messages are as follows:

**Chief Scoggins:** During the relevant period, Chief Scoggins used an iPhone 8. On October 8, 2020, Chief Scoggins reported to the City's IT department and an assistant that he had been locked out of his phone. The City understands that, because of pre-existing City of Seattle security protocols, Chief Scoggins was required to enter a passcode in order to access the phone. Chief Scoggins entered what he believed to be the correct passcode, but it did not gain him access to the phone. He asked IT if they could help him unlock his phone, access to which is vital given his role as Fire Chief, and was advised to attempt to recover his iPhone from iCloud. As the City understands the situation, ultimately, he was not successful because the authentication code required to recover the phone was sent to the phone, which he still could not access.

The City understands that Chief Scoggins tried to unlock his phone using other methods suggested but could not gain access. Ultimately, the City understands that Chief Scoggins then took his iPhone to the Apple Store at University Village to see if they could help him gain access to it. Because of Apple's Covid-19 policies at the time, Chief Scoggins was not allowed to enter the store to observe the Apple Store employees' efforts to gain access. The Apple Store was able to gain access to the phone, but it appears that the Apple Store employee did so by resetting it, which caused all of Chief Scoggins' text messages to be lost. Contemporaneous documents regarding these events are being produced in discovery.

**Carmen Best:** Carmen Best's last day as a City employee was September 2, 2020. The City took possession of her phone on or around that same date and preserved it for purposes of various ongoing lawsuits. The City imaged Best's phone at the same time it was imaging the

1 phones of the other custodians, at the end of 2020 or beginning of 2021. After imaging the phone,  
2 the City discovered that Best's phone had no text messages on it dated before September 2. All  
3 questions concerning what happened to Best's messages should be directed to Best, as she is  
4 represented by separate counsel. The City's forensic review of her device is ongoing and not yet  
5 complete.

6 **Assistant Chief Greening:** During the relevant period, Assistant Chief Greening used a  
7 Galaxy S8 phone. The City understands that Greening typically used the biometric (facial or  
8 finger recognition) feature of the phone to gain access. Greening was out on vacation the week of  
9 October 19, 2020. It is the City's understanding that at some point while he was out of the office  
10 or when he returned on Monday, October 26, the City's security protocols required that he input a  
11 passcode instead of using the biometric access feature. Greening made a few attempts to gain  
12 access using what he thought was his passcode to the phone, but none of the passcodes worked.  
13 Worried that the phone would reset if he tried too many times, Greening asked his assistant, Celina  
14 Villa, to take his phone to IT to see if they could gain access. He recalls providing her with the  
15 phone and receiving it back later that day or the next day. At that point, he was able to access the  
16 phone, but his text messages from before that date were no longer available. The City's belief is  
17 that SPD IT had to reset his phone because of the passcode issue. Contemporaneous documents  
18 regarding these events are being produced in discovery.

19 **Kenneth Neafcy:** During the relevant period, Neafcy was using an iPhone X. On or about  
20 October 26, 2020, Neafcy was prompted by the City's periodic security protocol installed on his  
21 iPhone that he needed to change his passcode for accessing the phone. Neafcy followed the  
22 instructions to reset the passcode. He then tried to access the phone using the passcode that he had  
23 just input, but it did not work. He is not sure whether he mistyped the passcode when he set it or  
24 whether another issue with his phone occurred. After he was not able to access his phone, he  
25 contacted IT and asked for assistance. IT proposed ways to access the phone, but none of them

1 was successful. He tried to recover the phone from iCloud, but it sent the passcode to the phone  
 2 that was locked so he could not view it. Because of the upcoming November 2020 election and the  
 3 need for others to reach him, Neafcy removed the SIM card from his iPhone X and inserted it into  
 4 an old iPhone 8, allowing him to go back to using his iPhone 8 for work purposes. The City has  
 5 imaged the iPhone X, and concluded that no text messages exist from the period during which  
 6 Neafcy was using it. Contemporaneous documents regarding these events are being produced in  
 7 discovery.<sup>2</sup>

8 **Idris Beauregard:** During the relevant period, Beauregard used an iPhone 8. The City  
 9 understands that on October 9, 2020, Beauregard attempted to access his phone, but his passcode  
 10 would not work. He does not believe that he had the wrong information for the passcode, as it was  
 11 the one he had previously used. When he could not access his phone, he called IT and submitted a  
 12 request for assistance (called a heat ticket). The City understands that Beauregard was informed  
 13 by IT that, because it was an iPhone, he should contact Apple to see if they had a work-around that  
 14 he could use. Apple informed him that because he did not have iTunes, he could not gain access to  
 15 the phone. He left his phone on his desk with the idea that he would work to gain access the next  
 16 day. However, the City understands that when he looked at his phone the next day, he saw that his  
 17 iPhone screen showed a spiral icon. Once the spiraling stopped the phone reset itself. None of his  
 18 text messages pre-dating the phone's automatic reset were available after the phone reset itself.  
 19 Contemporaneous documents regarding these events are being produced in discovery.

20 **Chris Fisher:** During the relevant period, Fisher used an iPhone 7. On approximately  
 21 December 3, 2020, Fisher attempted to gain access to his phone using the facial recognition  
 22 functionality that he usually used to access his phone. Due to the City's security protocols, his  
 23 iPhone required him to log in using his passcode to access his phone. Fisher input the passcode he  
 24

25 <sup>2</sup> The City notes that the circumstances described in this paragraph with respect to Neafcy differ slightly from the  
 circumstances described in the City's July 30, 2020 letter, and reflect further investigation and clarification of the  
 circumstances by the City.

1 believed he had previously set for his phone, but it was incorrect. He attempted some other  
 2 passcodes that he had previously used that he thought might still work, but they did not. Fisher  
 3 then reached out to IT to see if there was an alternative way to access the phone. It is our  
 4 understanding that IT informed him that there was no way to access the phone without resetting it  
 5 to its factory settings. Ultimately, Fisher followed this guidance. The City is searching for  
 6 contemporaneous documents regarding this event and will produce any that we collect.

7 **Mayor Durkan:** The City is still conducting its investigation into the circumstances  
 8 surrounding the missing texts from Mayor Durkan's phone(s). It is the City's understanding that  
 9 the Mayor did not intentionally delete any messages from her phone and did not direct anyone to  
 10 intentionally delete any messages from her phone. The City anticipates supplementing this  
 11 response after its litigation consultant completes its analysis.

12 **Shanon Anderson and Valarie Anderson:** Last winter, SPD moved all of its cellphones  
 13 to AT&T/FirstNet. As part of that transition, both Shanon Anderson and Valarie Anderson turned  
 14 in the phones they had been using during summer 2020. The phones were collected and  
 15 maintained by SPD IT. When the City accessed their phones in order to image them, the City  
 16 found that both phones were password protected and the City could not access them using the  
 17 passwords that they had provided when they turned in the phones. After trying multiple times to  
 18 access the phones, the City chose to stop so as to not inadvertently trigger the phones' automatic  
 19 reset function. The City is working with an outside vendor to try to circumvent the passcode issue  
 20 to gain access to the phones. The City will advise Plaintiffs whether it is successful in this attempt.

21  
 22 **INTERROGATORY NO. 32:** Identify any instant messaging platforms that the  
 23 Individuals used from June 1, 2020 – July 8, 2020, to discuss any issues relating to CHOP or the  
 24 CHOP zone.

1       **OBJECTION:** Defendant incorporates by reference each of its general objections as  
2 though set forth herein. Defendant objects to the phrase “instant messaging platforms” as vague  
3 and ambiguous.

4       **ANSWER:** Subject to and without waiving any objections, Defendant answers that based  
5 on its information and belief, none of the Individuals who are currently employed by the City used  
6 any instant messaging platforms other than the native messaging app (*e.g.* the “Messages” app on  
7 iPhone) on their City-issued phones. Defendant’s investigation into the instant messaging  
8 platforms former City employees (*e.g.*, Chief Best and Shanon Anderson) may have used during  
9 the referenced time period is ongoing, and Defendant will supplement its response to this  
10 interrogatory if or when it determines which instant messaging platforms these former employees  
11 may have used during the requested time period.

12       Pursuant to Rule 33(d), Defendant also directs Plaintiffs to Defendant’s response to  
13 Request for Production 34, which requested the production of copies of the digital forensic images  
14 that were collected from the Individuals’ phones, upon execution by the parties of a Digital  
15 Examination Agreement.

16  
17       **INTERROGATORY NO. 33:** Identify each and every text message that City has been  
18 unable to recover for the following custodians: Mayor Jenny Durkan, Police Chief Carmen Best,  
19 Fire Chief Harold Scoggins and Idris Beauregard. For each text message that the city is unable to  
20 recover, identify the sender, the recipient, the date and time of the text message, and whether the  
21 text message contained an attachment.

22       **OBJECTION:** Defendant incorporates by reference each of its general objections as  
23 though set forth herein. Defendant objects to this interrogatory as premature because Defendants’  
24 investigation is ongoing. Defendant also objects because this interrogatory seeks information  
25 protected by the attorney work product doctrine.

1       **ANSWER:** Subject to and without waiving any objections, Defendant answers that its  
 2 investigation is ongoing and that it will supplement this response once it has determined that it has  
 3 the information available to it making it possible for the City to identify with particularity which  
 4 text messages, if any, the City is not able to recover from some source.

5       **FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 33:** Subject to  
 6 and without waiving any objections, the City incorporates its answer to Interrogatory Nos. 28, 29,  
 7 and 31 as though set forth herein. The City has been unable to recover any texts during the  
 8 windows set forth in its response to Interrogatory Nos. 28 and 31 from the Affected Custodians'  
 9 devices. The City is continuing its efforts to reconstruct these missing messages using the process  
 10 described in its answer to Interrogatory No. 29.

11  
 12       **INTERROGATORY NO. 34:** Identify all of the City and the Individuals' actions taken  
 13 to preserve evidence relating to the Lawsuit following June 25, 2020, including all efforts to  
 14 preserve, collect and review any data contained on the Individuals' Electronic Devices. Separate  
 15 your response by the unique actions taken by City and the Individuals.

16       **OBJECTION:** Defendant incorporates by reference each of its general objections as  
 17 though set forth herein. Defendant objects to this interrogatory because it seeks information  
 18 protected by the attorney-client privilege and/or work product doctrine, and because it seeks  
 19 discovery on discovery.

20       **ANSWER:** Subject to and without waiving any objections, Defendant answers that it  
 21 provided litigation hold notices to each Individual. The litigation hold notice asked each recipient  
 22 to search for and preserve potentially responsive documents. Separately, emails sent or received  
 23 by an employee using their City-issued email account are automatically preserved on the City's  
 24 servers. The City also has contracted with SMARSH, a technology company that makes a product  
 25 that can be used for the cloud-based preservation and archiving text messages, to preserve text

1 messages. The SMARSH app has now been installed on certain City employees' Electronic  
2 Devices, including Chief Scoggins' and Mayor Durkan's current iPhones.

3 The City believes that each current City employee took steps to comply with the litigation  
4 hold notice once they received it and did not thereafter knowingly take any actions to delete texts  
5 in a manner that would result in them not being preserved in some form. While the City has no  
6 knowledge that former City employees acted differently, questions regarding what steps they  
7 might have taken to preserve responsive materials should be directed at them directly or via their  
8 counsel.

9 **FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 34:** Subject to  
10 and without waiving any objections, the City further answers as follows.

11 Plaintiffs filed their complaint on June 24, 2020, and served the City on June 26. Based on  
12 the information then available to the City, including the Complaint, Plaintiffs' June 27 and June 30  
13 letters, and the City's understanding of the relevant events, the City began issuing litigation holds  
14 to City employees. A list of City employees to whom litigation holds were sent in this action, and  
15 the dates on which they were issued, is set forth in Attachment A to these supplemental answers.  
16 The City also issued litigation holds in two other protest-related actions that cover materials  
17 relating to the CHOP/CHAZ – *Estate of Taylor v. City of Seattle*, Case No. 20-2-14351-1 SEA  
18 (King Cnty. Sup. Ct.), and *Black Lives Matter Seattle-King County, et al v. City of Seattle*, Case  
19 No. 2:20-cv-887 (W.D. Wash.). The list of hold recipients in these cases and the dates they  
20 received the hold also is set forth in Attachment A.

21 The litigation hold notice issued in this action (and the *Taylor* and *BLM* cases) contained a  
22 description of the case, and listed categories of documents that each recipient needed to preserve.  
23 Among the types of documents that the litigation hold instructed employees to preserve were text  
24 messages, emails, memoranda, and meeting minutes. The litigation hold also included a FAQ  
25 attachment instructing employees to not delete documents that again referenced text messages on

employees' mobile devices. Finally, the litigation hold directed employees to search devices and locations where potentially relevant documents might exist, including their city-issued cell phones, to determine whether any such responsive documents were existed on the various devices and locations.

During the relevant time period, the City's policy for the retention of text messages was for employees to retain them in place, on their phones, once they had received a litigation hold notice. If the employee was not under litigation hold, the employee's retention obligations were as set forth in the standard document retention schedules issued by the Washington Secretary of State. It was the City's understanding that all of the employees were retaining their texts and other records as directed by the City.

In or around November 2020, the City of Seattle entered a contract with SMARSH to begin implementing automatic text message preservation for certain high level City personnel, including Mayor Durkan, Chief Diaz, and Chief Scoggins, each of whom implemented it at some point after the City started utilizing SMARSH.

**INTERROGATORY NO. 35:** Identify all instances in which any of the Individuals have undergone training or instruction of their obligations under the Public Records Act, (the "PRA"), RCW 42.56.001, et seq. and any investigations that are being conducted into the City's document preservation obligations under the PRA relating to any of the Individuals since January 1, 2019.

**OBJECTION:** Defendant incorporates by reference each of its general objections as though set forth herein. Defendant objects that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence as the City's PRA obligations are separate and apart from, and not relevant to, any claims alleged in this lawsuit. Defendant also objects that the phrases "training or instruction" and "investigations that are being conducted into" are vague and

1 ambiguous. Defendant objects to this interrogatory to the extent any investigation would be  
2 confidential or privileged.

3 **ANSWER:** Subject to and without waiving any objections, Defendant states that PRA  
4 training is often a component part of various trainings that employees are required to take, and that  
5 it would be unduly burdensome for the City to be required to list every occasion where a City  
6 employee participated in a formal or informal training that touched on the PRA. Defendant also  
7 answers that separate and apart from formal trainings, City personnel regularly receive informal  
8 instruction on their obligations under the PRA.

9 Further, pursuant to Rule 33(d), Defendant will produce copies of certificates documenting  
10 the formal training sessions that various Individuals took during the relevant period, from which  
11 responsive information may be obtained.

12 The only investigation of which the City is aware regarding the City's preservation  
13 obligations under the PRA that arguably relates to any of the Individuals during the specified time  
14 period is SEEC Case NO. 21-WBI-0304-1. Should the City become aware of any other responsive  
15 investigations, it will supplement this answer in compliance with Rule 26(e).

16 **FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 35:** Subject to  
17 and without waiving any objections, the City clarifies its initial answer by stating that the only  
18 investigation of which the City is aware regarding the City's preservation obligations under the  
19 applicable retention schedules and statutory requirements that arguably relates to any of the  
20 Individuals during the specified time period is SEEC Case No. 21-WBI-0304-1.

21  
22 **INTERROGATORY NO. 36:** State all actions taken by Mayor Jenny A. Durkan and / or  
23 the Mayor's Office's compliance with the PRA since January 1, 2017, including the preservation,  
24 collection, archiving and review of electronically stored data on Mayor Jenny A. Durkan's phone  
25 and other Electronic Devices. Include in your answer any directions that Mayor Jenny A. Durkan

1 gave concerning the preservation and collection of her electronically stored data.

2       **OBJECTION:** Defendant incorporates by reference each of its general objections as  
3 though set forth herein. Defendant objects to this interrogatory because it is vague and ambiguous.  
4 Defendant also objects because the interrogatory is overly broad, unduly burdensome, and not  
5 reasonably calculated to lead to the discovery of admissible evidence to the extent it deals with the  
6 PRA, which is not relevant to this litigation.

7       **ANSWER:** Subject to and without waiving any objections, Defendant answers that it has  
8 always been the policy of Mayor Durkan and the Mayor's Office to comply with the PRA and to  
9 take reasonable steps to preserve records. In this regard, email is automatically backed up and  
10 stored. And the Mayor's text messages sent using her City-issued iPhone currently are backed up  
11 and preserved by the SMARSH application. Prior to the City's contract with SMARSH, it was the  
12 Mayor's understanding that all of her text messages were being preserved on her Electronic Device  
13 and/or the associated iCloud account.

14       At all times relevant to this interrogatory, the Mayor's Office had one or more employees  
15 whose responsibility it was to manage PRA requests necessitating a response from the Mayor's  
16 Office. If a PRA request was received that required production of the Mayor's text messages, the  
17 standard practice was for a Mayor's Office employees to take the Mayor's City-issued phone and  
18 search it for responsive data, including text messages. When the Mayor first took office, this  
19 process typically involved taking screen shots of the responsive texts for production to the  
20 requestor. Later, the Mayor's Office started using a tool called iExplorer to do so.

21       At all times since she was elected, the Mayor's direction to Mayor's Office personnel has  
22 been that personnel in the Mayor's Office should take every reasonable step necessary to comply  
23 with both the letter and the spirit of the PRA, and to preserve all records or other materials covered  
24 by the PRA, as well as materials covered by outstanding litigation hold notices and other  
25 applicable retention obligations.

**FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 36:** Subject to and without waiving any objections, the City further responds that the iPhone 8 Plus that Mayor Durkan was using in Summer 2019 was backed up by Michelle Chen to Chen's work computer on or around August 29, 2019. The City was able to use that back-up to obtain the Mayor's messages from prior to the date of that back-up. The iPhone 8 Plus was replaced on or about October 30, 2019. In early July 2021, Colleen O'Reilly Bernier at the Mayor's Office located this phone in a pouch in a desk drawer. The City was able to obtain texts through October 30, 2019 from this phone.

On or about August 21, 2020, Michelle Chen backed up the iPhone 11 that the Mayor was using at that time to her (Chen's) work computer. This process created an image from which the City was able to access messages from June 25, 2020 forward. Because Chen's work computer needed updates to both iTunes and iExplorer, she asked one of the Mayor's Office IT staff, Regi Alencastro, to assist her in facilitating this back up.

After discovering during that back-up process that Mayor Durkan's phone only had texts from June 25 forward, Chen, Kim Ferreiro and Stacy Irwin (Mayor's Office PRA employees), and Alencastro and Emmanuel Arhu (Mayor's Office IT), investigated and tried to recover the missing texts. IT staff analyzed the Mayor's "cracked screen" iPhone 8 Plus that she had used until July 9, 2020, but the City understands that that phone had been factory reset by the Mayor's Office IT in or around early August. It was their practice at the time to reset phones approximately a month after a new phone was provided, so the old phone could be disposed of or put back into circulation.

Thereafter, on or about September 18, 2020, one of the City's forensic analysts, Braden Heil, also took an image of the iPhone 8 Plus to see if he could locate any of the missing texts. He could not.

**INTERROGATORY NO. 37:** Identify all of the applications downloaded on the

1 Individuals' Electronic Devices, including phones, that existed on their phones at any time from  
2 June 1, 2020 to the present.

3 **OBJECTION:** Defendant incorporates by reference each of its general objections as  
4 though set forth herein. Defendant also objects because this request is overly broad and unduly  
5 burdensome, and because it is not reasonably calculated to lead to the discovery of admissible  
6 evidence. Defendant objects because the terms "applications" and "downloaded" are vague and  
7 ambiguous as used in this interrogatory.

8 **ANSWER:** Subject to and without waiving any objections, Defendant directs Plaintiffs to  
9 Defendant's answer to Interrogatory No. 32. With the limited exceptions set forth below,  
10 Defendant is not aware of any applications that were downloaded (as opposed pre-installed) by any  
11 of the Individuals on their electronic devices that contained the ability to instant message other  
12 than the native messaging application and Microsoft Teams. Teams messages, to the extent any  
13 existed, would have been collected as part of the City's earlier production efforts, as they are also  
14 maintained on a cloud-based server.

15 Additionally, Chief Scoggins may have had WhatsApp on a work-issued Electronic Device  
16 at some point in time, but it is not currently downloaded on his phone and he cannot recall whether  
17 it was on his phone at any point between June 8, 2020 and July 1, 2020. As noted in response to  
18 Interrogatory No. 32, even if it had been downloaded on his phone at that time, he did not use it to  
19 communicate regarding the CHOP or CHOP Zone.

20 Pursuant to Rule 33(d), Defendant also directs Plaintiffs to Defendant's response to  
21 Request for Production 34, which requested the production of copies of the digital forensic images  
22 that were collected from the Individuals' phones, upon execution by the parties of a Digital  
23 Examination Agreement.

24 **FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 37:** Subject to  
25 and without waiving any objections, the City further answers that the parties have agreed that this

1 interrogatory seeks only the identification of messaging and “file back up” apps that were  
2 downloaded on the Individuals’ phones. The City has previously identified all messaging apps on  
3 the Individuals’ phones. Based on information currently available to the City, it understands that  
4 none of the Individuals downloaded and had on their phones other apps where messages would  
5 have been backed up.

6  
7 **INTERROGATORY NO. 38:** Identify all persons other than Jenny Durkan, Carmen  
8 Best, Harold Scoggins, Shannon Anderson, Valerie Anderson, Idris Beauregard, Christopher  
9 Fisher, Eric Greening, Kenneth Neafcy, or Deanna Nolette, for whom the City is missing text  
10 messages or other electronically stored data relating to this Lawsuit.

11 **OBJECTION:** Defendant incorporates by reference each of its general objections as  
12 though set forth herein. Defendant objects to this interrogatory because it is overly broad, unduly  
13 burdensome, and because it is not reasonably calculated to lead to the discovery of admissible  
14 evidence. Defendant further objects to this interrogatory because the terms “persons” and  
15 “missing” are vague and ambiguous. Defendant further objects because this request is not  
16 proportionate to the needs of the case, because as written this interrogatory would cover all City  
17 employees and all time periods, which exceeds the scope of the Parties’ ESI Agreement.

18 **ANSWER:** Subject to and without waiving any objections, Defendant states that it does  
19 not have knowledge that any City employee that the City has identified as a custodian in the case  
20 other than the Individuals either lost or deleted any responsive or relevant text messages after they  
21 received the litigation hold in this matter.

22 Defendant’s investigation is ongoing and Defendant specifically reserves the right to  
23 supplement its answer to this interrogatory as its investigation proceeds, in compliance with Rule  
24 26(e).

1 DATED this 31<sup>st</sup> day of August, 2021.

2 HARRIGAN LEYH FARMER & THOMSEN LLP

3  
4 By: s/ Caitlin B. Pratt

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16 *Attorneys for the City of Seattle*

**Attachment A – Litigation Hold Recipients**

<b><i>Hunters Capital, et al. v. City of Seattle</i></b> <b>Case No. 20-cv-00983 (W.D. Wash.)</b>	
<b>Name</b>	<b>Date Lit. Hold Issued</b>
Aguirre, Jesús	7/22/2020
Alencastro, Regi	3/29/2021
Alspaugh, Pamela	9/29/2020
Anderson, Shanon	9/29/2020
Anderson, Valarie	7/27/2020
Arhu, Emmanuel	3/29/2021
Auriemma, Anthony	9/11/2020
Baird, Laura	7/22/2020
Baird, Mark	7/27/2020
Beauregard, Idris	10/20/2020
Beck, Tara	10/30/2020
Best, Carmen	7/27/2020
Boatright, Rebecca	7/27/2020
Bolieu, Sabrina	10/12/2020
Byers, Susan	9/22/2020
Canceko, Lyle	3/29/2021
Chen, Michelle	7/22/2020
Cordner, Lesley	7/27/2020
Diaz, Adrian	7/27/2020
Durkan, Jenny	7/22/2020
Everett, Joseph	7/22/2020
Fields, Michael	7/27/2020
Fisher, Christopher	7/27/2020
Fong, Michael	7/22/2020
Formas, Stephanie	9/29/2020
Friedhoff, Andrea	3/29/2021
Furuto, Joey	9/29/2020
Goings, Calvin	9/29/2020
Greening, Eric	7/27/2020
Hara, Mami	7/22/2020
Hastings, Bryan	7/22/2020
Hightower, Kamaria	9/29/2020
Hirjak, Stephen	7/27/2020
Holmes, Peter	7/22/2020
Kennedy, Brian	Will supplement
Kline, Julie	7/22/2020
Landino, Gina	7/22/2020

Lee, Bobby	9/29/2020
Longanecker, Mindy	7/22/2020
Mahaffey, Thomas	7/27/2020
Maxie, Rodney	9/22/2020
Morgan, Darren	9/22/2020
Neafcy, Kenneth	9/29/2020
Nelson, Laurel	9/29/2020
Nollette, Deanna	7/27/2020
O'Reilly Bernier, Colleen	3/29/2021
Quirk, Patti	9/22/2020
Ranganathan, Shefali	7/22/2020
Rose-Akins, Nyjat	7/22/2020
Scoggins, Harold	7/22/2020
Sixkiller, Casey	7/22/2020
Socci, Angela	7/27/2020
Steel, Chris	Will supplement
Thompson, Adrienne	7/22/2020
Waters, Donna	9/29/2020
Wells, Michael	10/12/2020
Westphal, Meagan	7/22/2020
Williams, Christopher	9/29/2020
Zimbabwe, Sam	7/22/2020

<b><i>Estate of Taylor, et al. v. City of Seattle</i></b> <b>Case No. 20-2-14351-1 SEA (King Cnty. Sup. Ct.)</b>	
<b>Name</b>	<b>Date Lit. Hold Issued</b>
Aagard, Lori	3/18/2021
Adams, David	3/18/2021
Adams, Westin	7/20/2021
Aguirre, Daniel	3/18/2021
Aguirre, Jesús	3/19/2021
Alcantara, Lora	3/18/2021
Aldrich, Newell	3/18/2021
Allen, David	7/26/2021
Allen, Matthew	3/18/2021
Allsopp, Darren	3/18/2021
Alspaugh, Pamela	3/19/2021
An, Noah	3/18/2021
Anderson, Carl	3/18/2021
Anderson, Shanon	3/18/2021
Anderson, Valarie	3/18/2021
Apreza, Ernesto	3/18/2021

Arana, Gabriele	3/18/2021
Arata, James	3/18/2021
Archuleta, Zayla	3/18/2021
Arulaid, Stephan	6/2/2021
Auderer, Daniel	7/26/2021
Auriemma, Anthony	3/18/2021
Avery, Monique	3/18/2021
Baird, Laura	3/18/2021
Baird, Mark	3/18/2021
Ballingham, Grant	3/18/2021
Balter, Lauren	4/12/2021
Banez, Joselito	7/26/2021
Barokas, Michael	3/19/2021
Barrington, Willie	12/7/2020
Barron, Lisa	3/19/2021
Basu, Aretha	3/18/2021
Bauer, Joseph	3/18/2021
Bauer, Nathan	4/12/2021
Beauregard, Idris	3/19/2021
Beck, Tara	3/18/2021
Behn, Demethra	3/18/2021
Belgarde, Anthony	3/18/2021
Benner, Devon	3/18/2021
Bergerson, Ethan	3/18/2021
Bergmann, Trent	3/18/2021
Beseler, Eric	3/18/2021
Best, Carmen	3/18/2021
Bettesworth, Anne	3/19/2021
Bissell, Ashlie	3/18/2021
Blackburn, Matthew	6/25/2021
Boatright, Rebecca	3/18/2021
Bolieu, Sabrina	3/18/2021
Bolton, Donald	4/23/2021
Bonesteel, Richard	3/18/2021
Bourdon, Jorge	3/18/2021
Bourns, Richard	3/18/2021
Braxton, Karissa	3/18/2021
Brewer, Alexander	3/18/2021
Briskey, Azrielle	6/2/2021
Britt, James	3/18/2021
Brooks, John	3/18/2021
Brown, Kamilah	3/19/2021
Brown, Robert	3/18/2021
Brownlee, Christopher	3/18/2021
Burgess, Nicholas	3/18/2021

Burk, Nicholas	3/18/2021
Butenhoff, Dillon	3/18/2021
Byers, Susan	3/18/2021
Byrd, Samuel	3/18/2021
Campbell, Anthony	4/12/2021
Campbell, Jared T	3/18/2021
Campbell, Ronald	4/12/2021
Carpenter, Colin	3/18/2021
Caulfield, Riley	3/18/2021
Charnley, Laura	6/2/2021
Chen, Michelle	3/18/2021
Chesney, John	3/18/2021
Chin, Jonathan	7/26/2021
Christman, Christopher	6/2/2021
Clancy, Amy	3/18/2021
Clardy, Alex	3/18/2021
Clark, Matthew	3/18/2021
Clark, Molly	3/18/2021
Claxton, Justin	3/18/2021
Cleaves, Ernest	6/2/2021
Clenna, Bryan	3/18/2021
Cockbain, Daniel	3/18/2021
Coe, Sarah	6/2/2021
Consalvi, Elizabeth	6/2/2021
Cook, Linda	4/12/2021
Coomer, Benjamin	3/18/2021
Coonradt, Thomas	7/26/2021
Cooper, Michelle	3/18/2021
Copodonna, Robert	7/26/2021
Corcoran, Kyle	7/26/2021
Cordner, Lesley	3/18/2021
Costa-C, Rick-c	3/18/2021
Couet, Christopher	3/18/2021
Coutsoubos, Christena	3/19/2021
Cox, Alan	3/19/2021
Crooks, Danni	7/26/2021
Crumb, John	6/2/2021
Cuerpo, David	12/7/2020
Cuevas, Faride	3/18/2021
Culbertson, Sean	3/18/2021
Curtis, Daniel	6/2/2021
Dahline, Dennis	3/19/2021
DAlessandro, Julie	3/19/2021
Daly, Pat	6/2/2021
Danne, Carter	3/18/2021

Daranciang, Mikael	7/26/2021
Davis, Pierre	6/2/2021
Davis, Tyrone	3/18/2021
Davisson, George	6/2/2021
Dawson, Parker	3/19/2021
DeBella, Ernest	7/26/2021
Derrick, Anthony	3/18/2021
Diaz, Adrian	3/18/2021
Dickson, Jack	7/26/2021
Didier, Matthew	3/18/2021
Dietrich, Seth	6/2/2021
Dike, Tim	3/18/2021
Do, Jessica	3/19/2021
Domholt, Jason	4/12/2021
Dory, Mary	3/19/2021
Doss, Greg	3/18/2021
Downing, Brian	6/2/2021
Drummond, Jason	3/18/2021
Dunlap, Laurie	3/19/2021
Durkan, Jenny	3/18/2021
Dyment, James	3/18/2021
Eastgard, Erik	4/12/2021
Eastman, Michael	3/18/2021
Ebinger, Sina	3/18/2021
Eder, Dan	3/18/2021
Edison, Simon	3/18/2021
Edwards, Everett	3/18/2021
Edwards, Michael	3/18/2021
Eggers, Brandon	3/18/2021
Ellis, Randy	3/18/2021
Englund, Stephen	3/18/2021
Erickson, Lynn	3/19/2021
Estrada, Abraham	7/26/2021
Evans, Nicholas	4/23/2021
Everett, Joseph	3/18/2021
Farmer, LaKecia	3/18/2021
Feher, Ferenc	3/19/2021
Fields, Michael	3/18/2021
Finnell, Anthony	3/19/2021
Fiorini, Nadia	7/26/2021
Fischer, Raymond	4/23/2021
Fisher, Christopher	3/18/2021
Fitzpatrick, Helen	12/7/2020
Flick, Vanessa	3/18/2021
Flores, Bryan	7/26/2021

Floyd, Tamara	3/18/2021
Foley, Kyle	3/18/2021
Follette, Garrett	6/2/2021
Fong, Michael	3/18/2021
Formas, Stephanie	3/18/2021
Forst, Jordan	4/12/2021
Foy, Corey	7/20/2021
Frank, Tim	3/19/2021
Franz, Jesse	3/18/2021
Freese, Diana	3/18/2021
Freese, Michael	3/18/2021
Frieler, Benjamin	7/26/2021
Furuto, Joey	3/19/2021
Gaedcke, Anthony	3/18/2021
Gaffney-Bills, Gregory	3/18/2021
Garth Green, Marc	3/18/2021
Geoghagan, Jeff	3/18/2021
George, Janis	7/26/2021
Girello, Joshua	3/18/2021
Goings, Calvin	3/18/2021
Gonzales, Reba	3/19/2021
Gonzalez, Intern	3/18/2021
Gonzalez, Lorena	3/18/2021
Goodwin, Jonathan	3/18/2021
Gordillo, Canek X	3/18/2021
Gore, Michael	3/18/2021
Graesch, Jenifer	4/23/2021
Grant, Brandy	3/18/2021
Graves, Tobin	3/19/2021
Gray-McVey, Tay	7/26/2021
Grayson, Sandlin	6/2/2021
Grba, Mark	3/19/2021
Greene, Chris	3/19/2021
Greening, Eric	3/18/2021
Grenon, Bryan	3/18/2021
Griffin, Mike	4/12/2021
Griffin, William	7/26/2021
Grossman, Kevin	3/18/2021
Guzman, Kira	4/12/2021
Hackett, Colleen	3/19/2021
Hancock, Andrew	3/18/2021
Hancock, Robert	3/18/2021
Hanley, Thomas	3/18/2021
Hara, Mami	3/19/2021
Harmon, Mika	3/18/2021

Harris, Alexandra	7/26/2021
Hastings, Bryan	12/7/2020
Havner, J	3/19/2021
Hay, Garret	3/18/2021
Hay, Kyle	3/18/2021
Hay, Phillip	5/19/2021
Hayes, John	3/18/2021
Hazard, Mark	3/18/2021
Hendry, Dawn	6/2/2021
Herbold, Intern	3/18/2021
Herbold, Lisa	3/18/2021
Hevly, Willa	6/25/2021
Hewitt, Brian	4/12/2021
Hightower, Kamaria	3/18/2021
Hill, Travis	3/18/2021
Hilton, Shaun	6/2/2021
Hirjak, Stephen	3/18/2021
Hoang, Anh	3/18/2021
Hockett, David	7/26/2021
Hogg, Hayden	3/18/2021
Hohlfeld, Amanda	3/18/2021
Holmes, Peter	3/18/2021
Holt, Kendall	3/18/2021
Hopper Manole, Theodore	6/2/2021
House, Erin	3/18/2021
Howard, Caleb	3/18/2021
Hughey, Benjamin	3/18/2021
Hunt, Brian	7/26/2021
Hurst, Samuel	6/2/2021
Huserik, Randall	3/18/2021
Hutton, Kate	3/18/2021
Israel, Gina	3/18/2021
Ivanov, Ilya	3/18/2021
Jackson, Justin	6/2/2021
Jackson, Nathan	7/26/2021
James, Mark	7/26/2021
Jandoc, Steven	3/18/2021
Jay, Tanner	7/26/2021
Jimenez, Jose	3/18/2021
Johnson, Aaron	3/18/2021
Johnson, Dion	3/18/2021
Johnson, Lorisa	4/12/2021
Johnson, Russell	3/18/2021
Jones, Abigail	3/18/2021
Jones, Nick	3/18/2021

Jones, Timothy	3/18/2021
Jordon, Travis	3/18/2021
Joy, Andrew	3/18/2021
Joyce, Dustin	7/26/2021
Juarez, Debora	3/18/2021
Juarez, Eli	3/18/2021
Juarez, Intern	3/18/2021
JuarezTwo, Intern	3/18/2021
Judge, Lisa	3/19/2021
Kamkar, Negheen	3/18/2021
Kang, Hudson	7/26/2021
Keating, Aaron	3/18/2021
Keating, Tyler	4/12/2021
Kebba, Michael	3/18/2021
Keller, Jared	3/18/2021
Kelley, Christopher	3/18/2021
Kellogg, Chelsea	3/18/2021
Kennedy, Brian	6/2/2021
Kerby, Matthew	3/18/2021
Kibbee, Todd	3/18/2021
Klatt, Walter	3/18/2021
Kline, Julie	3/18/2021
Knapp, Stephen	3/18/2021
Knick, Jennifer	5/19/2021
Knight, Joshua	3/18/2021
Komadina, Stephen	3/19/2021
Komljenovic, Marko	7/26/2021
Kraus, Brian	5/19/2021
LaClaire, Aimee	3/18/2021
Laina, Alan	3/18/2021
Lakin, Macaully	3/18/2021
Lancaster, Ryan	3/18/2021
Landino, Gina	3/18/2021
Lang, Chriseley	3/18/2021
Lang, Tadeo	7/20/2021
Lapierre, Scott	3/18/2021
Lasswell, Lori	7/26/2021
Lee, Bobby	3/18/2021
Lee, Enoch	3/18/2021
Lee, Jason	7/26/2021
Legaspi, Jonard	3/18/2021
Legault, Jeanne	3/18/2021
Legg, Brandon	3/18/2021
Lemke, Will	3/18/2021
Leung, Sekfai Paul	3/18/2021

Lewis, Andrew	3/18/2021
Lewis, Intern	3/19/2021
Lilje, Matthew	3/18/2021
Lockhart, Mariko	3/18/2021
Long, Ryan	7/26/2021
Longanecker, Mindy	3/18/2021
Longley, Larry	3/18/2021
Loux, Kent	3/18/2021
Lu, Jacky	3/19/2021
Luckie, Scott	3/18/2021
Maehler, Jamison	3/18/2021
Mahaffey, Thomas	3/18/2021
Maier, Mae	3/18/2021
Maks, Paige	5/19/2021
Malenchenko, Aleksandr	7/26/2021
Mantilla, Andres	3/18/2021
Marion, John	3/18/2021
Marshall, Aaron	3/18/2021
Martin, Marcus	3/18/2021
Maxie, Rodney	3/18/2021
Mayer, Grant	3/18/2021
McGehee, Alexandra	3/19/2021
Mckee, Vaughn	3/18/2021
McLean, Alyson	3/18/2021
McMullen, Joshua	3/18/2021
Meyer, Timothy	3/18/2021
Meza, Miroslava	3/19/2021
Miller, Austin	3/18/2021
Miller, Charles	3/18/2021
Miller, Matt	3/19/2021
Miller, Rene	3/18/2021
Miller, William	3/18/2021
Mills, Bryan	3/18/2021
Milstead, Brett	3/18/2021
Mondragon, Ronald	3/19/2021
Monreal, Esteban	3/18/2021
Monroe, Susanna	3/18/2021
Mooney, Thomas	6/2/2021
Moore, Sean	3/18/2021
Morales, Intern	3/19/2021
Morales, Tammy	3/19/2021
Morasco, Anthony	3/18/2021
Moreland, Taylor	3/18/2021
Morgan, Darren	3/18/2021
Morrison, Ben	3/18/2021

Mosqueda, Intern	3/18/2021
Mosqueda, Teresa	3/18/2021
Moss, Scott	3/18/2021
Mudd, Jeffery	6/2/2021
Munnis, Timothy	12/7/2020
Muoio, Brian	3/18/2021
Murray, Wade	4/23/2021
Myerberg, Andrew	3/19/2021
Neafcy, Kenneth	3/18/2021
Nelson, Daniel	3/18/2021
Nelson, Dylan	3/18/2021
Nelson, Laurel	3/18/2021
Ness, Brehon	3/18/2021
Nesteruk, Liliya	3/18/2021
Newburn, Tori	4/12/2021
Nguyen, Peter	3/18/2021
Nguyen, Vy	3/18/2021
Nicholson, Erin	6/2/2021
Nollette, Deanna	3/18/2021
Norton, Andrew	3/18/2021
Nyland, Kelsey	3/18/2021
Oakland, Nathaniel	6/2/2021
Olson, Peter	3/18/2021
Olson, Todd	3/18/2021
Osborne, Joseph	3/18/2021
Othon, Loren	3/18/2021
Owens, Sara	6/2/2021
Page, Jeffrey	3/18/2021
Palyu, Cheryl	6/2/2021
Parikh, Sejal	3/18/2021
Passarella, David	3/18/2021
Patterson, Nathan	3/18/2021
Pearson, Joshua	3/19/2021
Pecore, Jason	3/18/2021
Pedersen, Alex	3/18/2021
Pedersen, Intern	3/19/2021
Perkins, Grainne	3/18/2021
Persun, Terry	3/18/2021
Peterson, Richard	5/19/2021
Phillips, Kalae	7/26/2021
Pieper, Peter	7/20/2021
Pirak, Dwayne	3/18/2021
Pitts, Dan	3/19/2021
Pleasant-Brown, Amanda	3/18/2021
Powell, Marc	3/18/2021

Qualls, Jacob	7/26/2021
Quirk, Patti	3/18/2021
Raas, Andreas	3/19/2021
Radcliffe, Todd	7/26/2021
Ranganathan, Shefali	3/18/2021
Ray, Mackenzie	3/18/2021
Read, Sam	3/18/2021
Rees, Brian	3/18/2021
Register, Sabrina	3/19/2021
Reiter, Cody	3/18/2021
Renner, Michael	3/18/2021
Reyes Jr, Daniel	4/12/2021
Reyes, Felix	3/18/2021
Rezentes, Stephanie	7/26/2021
Richards, Alan	3/18/2021
Ridlon, Anthony	3/18/2021
Robinson, Deanna	7/26/2021
Rogers, Matt	3/19/2021
Rogers, Shauna	6/2/2021
Rose-Akins, Nyjat	3/18/2021
Rosenblum, Jonathan	3/18/2021
Runolfson, Kevin	3/18/2021
Rurey, Joshua	3/18/2021
Rusher, Eric	7/26/2021
Safranek, Kristofer	3/18/2021
San Miguel, Shelley	3/18/2021
Santos, Chris	3/19/2021
Sather, James	3/18/2021
Satterwhite, Patrick	7/26/2021
Sausman, Aaron	3/18/2021
Sawant, Kshama	3/18/2021
Schmanke, Kim	12/7/2020
Schoenberg, Brett	3/18/2021
Schreckengost, Jay	3/19/2021
Schulkin, Rachel	3/18/2021
Scoggins, Harold	12/7/2020
Seelig, Shannan	3/18/2021
Selfridge, Ty	6/25/2021
Shank, Gabriel	4/12/2021
Sharp, Michael	3/19/2021
Shea, Michael	3/18/2021
Shepherd, Jaraea	7/20/2021
Shier, Christopher	6/2/2021
Silvernail, Devin	3/19/2021
Simbeck, Paul	7/26/2021

Sims, Katherine	3/19/2021
Sixkiller, Casey	3/18/2021
Socci, Angela	3/18/2021
Solan, Michael	3/18/2021
Somer, Sasha	3/18/2021
Souriall, Jordan	3/18/2021
Spady, Kelly	3/18/2021
Specht, Samuel	3/18/2021
Speer, Tyler	7/20/2021
St John, Pamela	3/18/2021
Stampfl, Brian	3/18/2021
Steel, Chris	6/2/2021
Stewart, Steven	3/18/2021
Stoltz, Aaron	3/18/2021
Stone, Steven	3/18/2021
Strauss, Dan	3/23/2021
Strauss, Daniel	3/18/2021
Strauss, Intern	3/19/2021
Stribling, Anne	3/18/2021
Sullivan, Brendan	3/18/2021
Sullivan, Jennifer	3/18/2021
Sweeney, David	3/18/2021
Swift, BrynDel	3/18/2021
Sylvester, David	3/18/2021
Tebeau, Lena	3/18/2021
Teeter, Michael	3/18/2021
Terrell, Robert	4/23/2021
Terry, David	3/18/2021
Thaler, Toby	3/19/2021
Thomas, Brianna	3/18/2021
Thometz, Casey	3/18/2021
Thompson, Aaron	3/18/2021
Thompson, Adrienne	3/18/2021
Thorpe, Jacob	3/19/2021
Tietjen, Michael	3/18/2021
Tinsley, Kristin	12/7/2020
To, Jeffrey	4/12/2021
Todorov, Kalin	3/18/2021
Toman, Christopher	3/18/2021
Tomlinson, Greg	3/18/2021
Touch, Darozyl	3/19/2021
Truscott, Lauren	3/18/2021
Tsai, Amy	3/19/2021
Turla, Alexis	3/19/2021
Tuttle, Heidi	7/26/2021

Tyler, Trevor	6/2/2021
Underwood, Yvonne	3/18/2021
Upton, Nathan	3/18/2021
Vaaga, Joshua	3/18/2021
Vallier, Cara	3/19/2021
Vega, Henry	3/18/2021
Vergara, Sergio	3/18/2021
Virdone, Ted	3/18/2021
Waldorf, Kirk	3/18/2021
Waldorf, Kirk	7/26/2021
Walsh, Tom	12/7/2020
Walter, Eric	3/18/2021
Ward, Daniel	3/18/2021
Warnock, David	3/18/2021
Washington, Quindelia	3/18/2021
Waters, Donna	3/19/2021
Watkins, Cole	7/26/2021
Weber, Bryan	3/18/2021
Wells, Michael	3/18/2021
West, Andrew	3/18/2021
Westphal, Meagan	3/18/2021
Whicker, Brian	3/18/2021
Wigoda, Gabriella	7/26/2021
Willenberg, Trevor	3/18/2021
Williams, Christopher	3/19/2021
Williams, Corey	3/18/2021
Williams, Joel	3/23/2021
Willis, Ronald	3/18/2021
Wilske, Steve	3/18/2021
Wong, Mark	3/18/2021
Woollum, Mary	3/18/2021
Worstman, Mark	6/2/2021
Wright, Nicholas	4/23/2021
Yuen, Mae	Will supplement
Yurczyk, Scott	3/19/2021
Zech, Roxanne	3/18/2021
Zentner, Chad	3/18/2021
Zieger, Kerry	5/19/2021
Ziemer, Joshua	3/18/2021
Ziemkowski, Adam	3/18/2021
Zimbabwe, Sam	3/18/2021
Zwaschka, Andrew	3/18/2021

<b>Case No. 2:20-cv-887 (W.D. Wash.)</b>	
<b>Name</b>	<b>Date Lit. Hold Issued</b>
Aagard, Lori	7/8/2020
Adams, David	7/8/2020
Alcantara, Lora	7/8/2020
Aldrich, Newell	7/23/2020
Allen, Matthew	7/8/2020
Allsopp, Darren	7/24/2020
An, Noah	7/23/2020
Anderson, Shanon	7/8/2020
Apreza, Ernesto	7/23/2020
Arata, James	7/8/2020
Archuleta, Zayla	7/24/2020
Ballingham, Grant	7/8/2020
Barokas, Michael	7/23/2020
Barron, Lisa	7/23/2020
Basu, Aretha	7/23/2020
Bauer, Joseph	7/8/2020
Bergmann, Trent	7/8/2020
Best, Carmen	7/8/2020
Bettesworth, Anne	7/23/2020
Boatright, Rebecca	7/8/2020
Britt, James	7/8/2020
Brooks, John	7/8/2020
Brown, Robert	7/8/2020
Byrd, Samuel	7/8/2020
Carpenter, Colin	7/8/2020
Chen, Michelle	7/23/2020
Clancy, Amy	7/21/2020
Clardy, Alex	7/23/2020
Clenna, Bryan	7/21/2020
Cooper, Michelle	7/8/2020
Cordner, Lesley	7/8/2020
Costa-C, Rick	Will supplement
Cox, Alan	7/23/2020
Cuerpo, David	7/23/2020
Cuevas, Faride	7/23/2020
Dahline, Dennis	7/23/2020
DAlessandro, Julie	7/23/2020
Davis, Tyrone	7/8/2020
Derrick, Anthony	7/23/2020

Diaz, Adrian	7/21/2020
Didier, Matthew	7/8/2020
Dike, Tim	7/8/2020
Dory, Mary	7/23/2020
Doss, Greg	7/23/2020
Durkan, Jenny	7/23/2020
Dyment, James	7/8/2020
Eastman, Michael	7/8/2020
Ebinger, Sina	7/8/2020
Eder, Dan	7/23/2020
Edwards, Michael	7/8/2020
Erickson, Lynn	7/23/2020
Farmer, LaKecia	7/23/2020
Feher, Ferenc	7/23/2020
Finnell, Anthony	7/23/2020
Fisher, Christopher	7/8/2020
Fitzpatrick, Helen	7/23/2020
Floyd, Tamara	7/8/2020
Fong, Michael	7/23/2020
Formas, Stephanie	7/23/2020
Frank, Tim	7/23/2020
Freese, Diana	7/8/2020
Freese, Michael	7/21/2020
Gaedcke, Anthony	7/21/2020
GarthGreen, Marc	7/21/2020
Geoghagan, Jeff	7/8/2020
Gonzales, Reba	7/23/2020
Gonzalez, Intern	7/23/2020
Gonzalez, Lorena	7/23/2020
Gordillo, Canek X	7/8/2020
Gore, Michael	7/21/2020
Graves, Tobin	7/23/2020
Grba, Mark	7/23/2020
Greene, Chris	7/23/2020
Greening, Eric	7/8/2020
Grenon, Bryan	7/8/2020
Grossman, Kevin	7/8/2020
Hastings, Bryan	7/23/2020
Havner, J	7/23/2020
Hayes, John	7/8/2020
Herbold, Intern	7/23/2020

Herbold, Lisa	7/23/2020
Hightower, Kamaria	7/23/2020
Hill, Travis	7/8/2020
Hirjak, Stephen	7/8/2020
Hohlfeld, Amanda	7/23/2020
House, Erin	7/23/2020
Israel, Gina	7/8/2020
Johnson, Aaron	7/21/2020
Jones, Nick	7/23/2020
Juarez, Debora	7/23/2020
Juarez, Intern	7/23/2020
JuarezTwo, Intern	7/23/2020
Judge, Lisa	7/23/2020
Kamkar, Negheen	7/23/2020
Kebba, Michael	7/21/2020
Kelley, Christopher	7/8/2020
Kellogg, Chelsea	7/23/2020
Kibbee, Todd	7/8/2020
Kline, Julie	7/23/2020
Komadina, Stephen	7/23/2020
Lang, Chriseley	7/8/2020
Legault, Jeanne	7/23/2020
Leung, Sekfai Paul	7/8/2020
Lewis, Andrew	7/23/2020
Lockhart, Mariko	7/24/2020
Luckie, Scott	7/8/2020
Mahaffey, Thomas	7/8/2020
McGehee, Alexandra	7/23/2020
McLean, Alyson	7/23/2020
Meza, Miroslava	7/23/2020
Miller, Austin	7/23/2020
Miller, Matt	7/23/2020
Mondragon, Ronald	7/23/2020
Moore, Sean	7/8/2020
Mosqueda, Intern	7/23/2020
Mosqueda, Teresa	7/23/2020
Moss, Scott	7/8/2020
Myerberg, Andrew	7/23/2020
Nelson, Daniel	7/21/2020
Nguyen, Peter	7/24/2020
Nguyen, Vy	7/23/2020

Nollette, Deanna	7/8/2020
Nyland, Kelsey	7/23/2020
Osborne, Joseph	7/8/2020
Page, Jeffrey	7/8/2020
Parikh, Sejal	7/23/2020
Pearson, Joshua	7/23/2020
Pedersen, Alex	7/23/2020
Perkins, Grainne	7/23/2020
Pleasant-Brown, Amanda	7/24/2020
Raas, Andreas	7/23/2020
Ranganathan, Shefali	7/23/2020
Rees, Brian	7/21/2020
Reiter, Cody	7/23/2020
Renner, Michael	7/8/2020
Rogers, Matt	7/23/2020
Rosenblum, Jonathan	7/23/2020
Runolfson, Kevin	7/8/2020
Santos, Chris	7/23/2020
Sather, James	7/8/2020
Sawant, Kshama	7/23/2020
Schmanke, Kim	7/23/2020
Schreckengost, Jay	7/23/2020
Sharp, Michael	7/23/2020
Somer, Sasha	7/23/2020
Stampfl, Brian	7/21/2020
Strauss, Daniel	7/23/2020
Sullivan, Jennifer	7/8/2020
Sweeney, David	7/8/2020
Swift, BrynDel	7/23/2020
Sylvester, David	7/8/2020
Tebeau, Lena	7/23/2020
Teeter, Michael	7/8/2020
Thomas, Brianna	7/23/2020
Thompson, Adrienne	7/23/2020
Tietjen, Michael	7/8/2020
Tinsley, Kristin	7/23/2020
Toman, Christopher	7/8/2020
Truscott, Lauren	7/8/2020
Tsai, Amy	7/23/2020
Underwood, Yvonne	7/8/2020
Upton, Nathan	7/8/2020

Virdone, Ted	7/23/2020
Williams, Joel	7/8/2020
Wilske, Steve	7/8/2020
Yurczyk, Scott	7/23/2020
Ziemer, Joshua	7/8/2020
Ziemkowski, Adam	7/23/2020

**CERTIFICATE OF SERVICE**

I, Florine Fujita, declare that I am employed by the law firm of Harrigan Leyh Farmer & Thomsen LLP, a citizen of the United States of America, a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On August 31, 2021, I caused a true and correct copy of the foregoing document to be served on counsel listed below in the manner indicated:

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☐ Via Hand Delivery

☐ Via First Class Mail

☐ Via Facsimile

☒ Via Electronic Mail

☐ Via CM/ECF

DATED this 31st day of August, 2021.

s/ Florine Fujita

Florine Fujita, Legal Assistant

[florinef@harriganleyh.com](mailto:florinef@harriganleyh.com)